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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Mortgage Broker Practices Act of Washington by:

NO. C-02-058-04-SC01

BOOKER CAPITAL GROUP, INC. AND
DEBORAH CAJELIS-BOOKER, DESIGNATED
BROKER

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSE,
IMPOSE FINE, PROHIBIT FROM INDUSTRY,
AND COLLECT INVESTIGATION FEE

Respondents.

INTRODUCTION

Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the Mortgage Broker Practices Act (Act). The referenced statutes (RCW) and rules (WAC) are attached, in pertinent part. After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as of October 29, 2004, the Director institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents:

A. **Booker Capital Group, Inc. (Respondent Booker Capital)** is known to have conducted the business of a mortgage broker at the following locations:

1326 5th Ave, STE 440
Seattle, WA 98101

531 SW 336th ST
Federal Way, WA 98023

27205 148th Ave. SE STE 102
Kent, WA 98042

1 B. **Deborah Cajelis-Booker (Respondent Cajelis-Booker)** is the owner of Respondent Booker
2 Capital. Respondent Cajelis-Booker (formerly Deborah Booker) was the Designated Broker as of February 28,
3 1994, and has continued as Designated Broker to date.

4 **1.2 Licenses:** Respondent Booker Capital's main office, at 1326 5th Ave. STE 440, Seattle WA, was
5 licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct
6 business as a mortgage broker on February 28, 1994, and has continued to be licensed to date.

7 **1.3 Failure to Maintain Bond:** Respondent Booker Capital's surety bond was cancelled on October 9,
8 1997 and to date, has not been reinstated or replaced with an acceptable alternative. Respondents never notified
9 the Department of the cancellation as required by law. From January 2004 to August 2004, the Department
10 worked diligently with Respondents to address a number of outstanding licensing issues including Respondents
11 failure to maintain a surety bond as required by law; however, despite Respondent's representation that she
12 would reinstate the bond, she has failed to do so.

13 **1.4 Failure to Respond to Directives:** On February 27, 1997, the Department sent a Directive to
14 Respondent Booker-Cajelis about the overdue assessment and continuing education certifications. No response
15 was received. On January 15, 2004 Respondent Booker-Cajelis met with then Licensing Supervisor Kae
16 McDonnell and Enforcement Supervisor James Brusselback. They agreed to discuss the outstanding licensing
17 issues and the requirements that Respondent Booker-Cajelis would have to meet to address these issues. The
18 Department presented a Directive to Respondent Booker dated February 20, 2004, with a deadline of 45 days
19 later on April 23, 2004, to resolve each of the issues. Shortly before the deadline, Respondent Booker-Cajelis
20 requested and received an extended deadline for July 30, 2004. On July 30, 2004, the deadline was again
21 extended another week to August 5, 2004. To date, Respondents have failed to provide the Department with a
22 new surety bond or an approved alternative.

23 **1.5 Failure to Notify Department of Significant Developments:** As stated in Section 1.4 above,
24 Respondents failed to notify the Department of the cancellation of Respondent Booker Capital's surety bond.
25

1 **1.6 On-Going Investigation:** The Department's investigation into the alleged violations of the Act by
2 Respondents continues to date.

3 **II. GROUNDS FOR ENTRY OF ORDER**

4 **2.1 Requirement to Maintain Surety Bond:** Based on the Factual Allegations set forth in Section I
5 above, Respondents are in apparent violation of RCW 19.146.205(4)(a) and WAC 208-660-080(1) for failing to
6 file and maintain a surety bond or approved alternative with the Department.

7 **2.2 Requirement to Notify Department of Significant Developments:** Based on the Factual Allegations
8 set forth in Section I above, Respondents are in apparent violation of WAC 208-660-150(1)(e) for failing to
9 notify the Director in writing within thirty days after receipt of notification of cancellation of the licensee's
10 surety bond.

11 **2.3 Requirement to Comply with Directive:** Based on the Factual Allegations set forth in Section I
12 above, Respondents are in apparent violation of RCW 19.146.235 for failing to comply with a directive within
13 the time period established in the directive.

14 **2.4 Authority to Revoke License:** Pursuant to RCW 19.146.220(2)(b) (iii) and (iv), and WAC 208-660-
15 160(8) and (13), the Director may revoke a license if a licensee fails to comply with any directive or order of
16 the Director or fails to maintain the required bond

17 **2.5 Authority to Impose Fine:** Pursuant to RCW 19.146.220(2)(c) and WAC 208-660-165, the Director
18 may impose fines on a licensee that fails to maintain the required bond or fails to comply with any directive or
19 order of the Director.

20 **2.6 Authority to Prohibit from the Industry:** Pursuant to RCW 19.146.220(2)(e)(i) and (iv), the Director
21 may prohibit from participation in the conduct of the affairs of a licensed mortgage broker, any officer,
22 principal, employee, or loan originator of any licensed mortgage broker or any person subject to licensing under
23 the Act that fails to maintain the required bond or fails to comply with any directive or order of the Director.

24 **2.7 Authority to Charge Investigation Fee:** Pursuant to RCW 19.146.228(2), WAC 208-660-060(4) and
25 WAC 208-660-061, upon completion of any investigation of the books and records of a licensee, the Department

1 will furnish to the licensee a billing to cover the cost of the investigation. The investigation charge will be
2 calculated at the rate of forty-seven dollars and seventy-eight cents (\$47.78) per hour that each staff person devoted
3 to the investigation.

4 5 **III. NOTICE OF INTENTION TO ENTER ORDER**

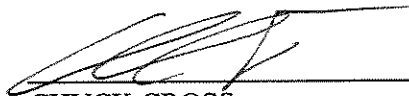
6 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
7 in the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the entry of an Order under
8 RCW 19.146.220, RCW 19.146.221 and RCW 19.146.223. Therefore, it is the Director's intention to ORDER
that:

- 9 3.1 Respondent Booker Capital Group's license to conduct the business of a Mortgage Broker be
10 revoked; and
- 11 3.2 Respondents pay a fine of \$1500 for failure to maintain the required bond or approved alternative,
calculated at \$50.00 per day for 30 days;
- 12 3.3 Respondent Deborah Booker-Cajelis be prohibited from acting as a principal or designated broker for a
13 licensed mortgage broker for a period of five (5) years;
- 14 3.4 Respondents pay an investigation fee in the amount of \$478.80 calculated at \$47.78 per hour for 10
staff hours devoted to the investigation; and
- 15 3.5 Respondents maintain records in compliance with the Act and provide the Department with the
16 location of the books, records and other information relating to Respondent Booker Capital Group's
mortgage broker business, and the name, address and telephone number of the individual responsible
for maintenance of such records in compliance with the Act.

17 **IV. AUTHORITY AND PROCEDURE**

18 This Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Impose Fine, Prohibit
19 from Industry and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of
20 RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions
21 of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a
22 hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR
23 HEARING accompanying this Statement of Charges.

1 Dated this 15th day of November, 2004.

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5 CHUCK CROSS
6 Director and Enforcement Chief
7 Division of Consumer Services
8 Department of Financial Institutions

6 Presented by:
7 Deborah Bortner
8 Financial Legal Examiner



24 STATEMENT OF CHARGES
25 BOOKER CAPITAL GROUP

RCW 19.146.205 License -- Application -- Exchange of fingerprint data with federal bureau of investigation -- Fee - Bond or alternative.

(4)(a) Each applicant for a mortgage broker's license shall file and maintain a surety bond, in an amount of not greater than sixty thousand dollars nor less than twenty thousand dollars which the director deems adequate to protect the public interest, executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety. The bonding requirement as established by the director may take the form of a uniform bond amount for all licensees or the director may establish by rule a schedule establishing a range of bond amounts which shall vary according to the annual average number of loan originators or independent contractors of a licensee. The bond shall run to the state of Washington as obligee, and shall run first to the benefit of the borrower and then to the benefit of the state and any person or persons who suffer loss by reason of the applicant's or its loan originator's violation of any provision of this chapter or rules adopted under this chapter. The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse all persons who suffer loss by reason of a violation of this chapter or rules adopted under this chapter. Borrowers shall be given priority over the state and other persons. The state and other third parties shall be allowed to receive distribution pursuant to a valid claim against the remainder of the bond. In the case of claims made by any person or entity who is not a borrower, no final judgment may be entered prior to one hundred eighty days following the date the claim is filed. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director of its intent to cancel the bond. The cancellation shall be effective thirty days after the notice is received by the director. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The bond shall not be liable for any penalties imposed on the licensee, including, but not limited to, any increased damages or attorneys' fees, or both, awarded under RCW 19.86.090. The applicant may obtain the bond directly from the surety or through a group bonding arrangement involving a professional organization comprised of mortgage brokers if the arrangement provides at least as much coverage as is required under this subsection.

[2001 c 177 § 4; 1997 c 106 § 9; 1994 c 33 § 8; 1993 c 468 § 6.]

RCW 19.146.215 Continuing education -- Rules.

The designated broker of every licensee shall complete an annual continuing education requirement, which the director shall define by rule.

[1997 c 106 § 11; 1994 c 33 § 11.]

RCW 19.146.220 Director -- Powers and duties -- Violations as separate violations -- Rules.

(1) The director shall enforce all laws and rules relating to the licensing of mortgage brokers, grant or deny licenses to mortgage brokers, and hold hearings.

(2) The director may impose the following sanctions:

(a) Deny applications for licenses for: (i) Violations of orders, including cease and desist orders issued under this chapter; or (ii) any violation of RCW 19.146.050 or 19.146.0201 (1) through (9);

(b) Suspend or revoke licenses for:

(i) False statements or omission of material information on the application that, if known, would have allowed the director to deny the application for the original license;

(ii) Failure to pay a fee required by the director or maintain the required bond;

(iii) Failure to comply with any directive or order of the director; or

(iv) Any violation of RCW 19.146.050, 19.146.060(3), 19.146.0201 (1) through (9) or (12), 19.146.205(4), or 19.146.265;

(c) Impose fines on the licensee, employee or loan originator of the licensee, or other person subject to this chapter for:

(i) Any violations of RCW 19.146.0201 (1) through (9) or (12), 19.146.030 through 19.146.080, 19.146.200, 19.146.205(4), or 19.146.265; or

(ii) Failure to comply with any directive or order of the director;

(d) Issue orders directing a licensee, its employee or loan originator, or other person subject to this chapter to:

(i) Cease and desist from conducting business in a manner that is injurious to the public or violates any provision of this chapter; or

(ii) Pay restitution to an injured borrower; or

(e) Issue orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker or any person subject to licensing under this chapter for:

(i) Any violation of 19.146.0201 (1) through (9) or (12), 19.146.030 through 19.146.080, 19.146.200, 19.146.205(4), or 19.146.265; or

(ii) False statements or omission of material information on the application that, if known, would have allowed the director to deny the application for the original license;

(iii) Conviction of a gross misdemeanor involving dishonesty or financial misconduct or a felony after obtaining a license; or

(iv) Failure to comply with any directive or order of the director.

(3) Each day's continuance of a violation or failure to comply with any directive or order of the director is a separate and distinct violation or failure.

(4) The director shall establish by rule standards for licensure of applicants licensed in other jurisdictions.

(5) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

[1997 c 106 § 12; 1997 c 58 § 879; 1996 c 103 § 1; 1994 c 33 § 12; 1993 c 468 § 8.]

RCW 19.146.221 Action by director -- Hearing -- Sanction.

The director may, at his or her discretion and as provided for in *RCW 19.146.220(2), take any action specified in RCW 19.146.220(1). If the person subject to such action does not appear in person or by counsel at the time and place designated for any administrative hearing that may be held on the action then the person shall be deemed to consent to the action. If the person subject to the action consents, or if after hearing the director finds by a preponderance of the evidence that any grounds for sanctions under this chapter exist, then the director may impose any sanction authorized by this chapter.

[1994 c 33 § 13.]

1 **RCW 19.146.223 Director -- Administration and interpretation.**

2 The director shall have the power and broad administrative discretion to administer and interpret the provisions of this
3 chapter to fulfill the intent of the legislature as expressed in RCW 19.146.005.

4 [1994 c 33 § 2.]

5 **RCW 19.146.228 Fees -- Rules -- Exception.**

6 The director shall establish fees by rule in accordance with RCW 43.24.086 sufficient to cover, but not exceed, the costs of
7 administering this chapter. These fees may include:

- 8 (1) An annual assessment paid by each licensee on or before a date specified by rule;
9 (2) An investigation fee to cover the costs of any investigation of the books and records of a licensee or other person
10 subject to this chapter; and
11 (3) An application fee to cover the costs of processing applications made to the director under this chapter.

12 Mortgage brokers shall not be charged investigation fees for the processing of complaints when the investigation
13 determines that no violation of this chapter occurred or when the mortgage broker provides a remedy satisfactory to the
14 complainant and the director and no order of the director is issued. All moneys, fees, and penalties collected under the
15 authority of this chapter shall be deposited into the financial services regulation fund, unless the consumer services account
16 is created as a dedicated, nonappropriated account, in which case all moneys, fees, and penalties collected under this
17 chapter shall be deposited in the consumer services account.

18 [2001 c 177 § 5; 1997 c 106 § 13; 1994 c 33 § 9.]

19 **RCW 19.146.230 Administrative procedure act application.**

20 The proceedings for denying license applications, issuing cease and desist orders, suspending or revoking licenses, and
21 imposing civil penalties or other remedies issued pursuant to this chapter and any appeal therefrom or review thereof shall
22 be governed by the provisions of the administrative procedure act, chapter 34.05 RCW.

23 [1994 c 33 § 16; 1993 c 468 § 10.]

24 **RCW 19.146.235 Director -- Investigation powers -- Duties of person subject to examination or investigation.**

25 For the purposes of investigating complaints arising under this chapter, the director may at any time, either personally or by
a designee, examine the business, including but not limited to the books, accounts, records, and files used therein, of every
licensee and of every person engaged in the business of mortgage brokering, whether such a person shall act or claim to act
under or without the authority of this chapter. For that purpose the director and designated representatives shall have access
during regular business hours to the offices and places of business, books, accounts, papers, records, files, safes, and vaults
of all such persons.

The director or designated person may direct or order the attendance of and examine under oath all persons whose
testimony may be required about the loans or the business or subject matter of any such examination or investigation, and
may direct or order such person to produce books, accounts, records, files, and any other documents the director or
designated person deems relevant to the inquiry. If a person who receives such a directive or order does not attend and
testify, or does not produce the requested books, records, files, or other documents within the time period established in the
directive or order, then the director or designated person may issue a subpoena requiring attendance or compelling
production of books, records, files, or other documents. No person subject to examination or investigation under this
chapter shall withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other
information.

Once during the first two years of licensing, the director may visit, either personally or by designee, the licensee's place or
places of business to conduct a compliance examination. The director may examine, either personally or by designee, a
sample of the licensee's loan files, interview the licensee or other designated employee or independent contractor, and
undertake such other activities as necessary to ensure that the licensee is in compliance with the provisions of this chapter.
For those licensees issued licenses prior to March 21, 1994, the cost of such an examination shall be considered to have
been prepaid in their license fee. After this one visit within the two-year period subsequent to issuance of a license, the

1 director or a designee may visit the licensee's place or places of business only to ensure that corrective action has been
2 taken or to investigate a complaint.

3 [1997 c 106 § 14; 1994 c 33 § 17; 1993 c 468 § 11.]
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1 **WAC 208-660-042 Continuing education requirement.**

2 (1) The principal or designated broker of a licensee must satisfactorily complete an approved continuing education course
3 annually. Each licensee must file annually a certificate of satisfactory completion of an approved continuing education
4 course by the licensee's principal or designated broker no later than the last business day of the month in which the
5 anniversary date of the issuance of the licensee's license occurs.

6 (2) This section applies to each licensee beginning on the first anniversary date of the issuance of the licensee's license
7 which occurs after December 31, 1995. (For example, if a licensee's license was issued on January 10, 1994, then the
8 licensee must submit its first certificate of satisfactory completion of an approved continuing education course no later than
9 the last business day of January 1996.)

10 [Statutory Authority: RCW 43.320.010, 19.146.223, 01-01-044, § 208-660-042, filed 12/8/00, effective 1/8/01; 96-04-028,
11 recodified as § 208-660-042, filed 2/1/96, effective 4/1/96. Statutory Authority: RCW 19.146.225, 95-13-091, § 50-60-042,
12 filed 6/21/95, effective 7/22/95.]

13 **WAC 208-660-060 Department's fees and assessments.**

14 (1) Upon completion of processing and reviewing an application for a license or branch office certificate, the department
15 will prepare a billing, regardless of whether a license or certificate has been issued, calculated at the rate of \$35.98 per hour
16 that each staff person devoted to processing and reviewing the application. The application deposit will be applied against
17 this bill. Any amount left owing to the department will be billed to and paid promptly by the applicant, while any balance
18 remaining from the deposit will be refunded promptly to the applicant.

19 (2) Upon completion of any examination of the books and records of a licensee, the department will furnish to the licensee
20 a billing to cover the cost of the examination. The examination charge will be calculated at the rate of \$46.26 per hour that
21 each staff person devoted to the examination. The examination billing will be paid by the licensee promptly upon receipt.
22 Licensees that were issued licenses prior to March 21, 1994, have prepaid in their initial license fee the cost of the first
23 compliance examination of the licensee conducted by the department during the first two years after the date of issuance of
24 the license.

25 (3) Each licensee shall pay to the director an annual assessment of \$513.95 for each license, and \$513.95 for each branch
office certificate. The annual assessment(s) will be due no later than the last business day of the month in which the
anniversary date of the issuance of the broker's license occurs.

(4) Upon completion of any investigation of the books and records of a mortgage broker other than a licensee, the
department will furnish to the broker a billing to cover the cost of the investigation. The investigation charge will be
calculated at the rate of \$46.26 per hour that each staff person devoted to the investigation. The investigation billing will be
paid by the mortgage broker promptly upon receipt.

[Statutory Authority: RCW 18.44.410, 19.146.223, 19.146.225, 19.146.265, 31.04.165, 31.45.200, 01-12-029, § 208-660-
060, filed 5/29/01, effective 7/1/01; 96-04-028, recodified as § 208-660-060, filed 2/1/96, effective 4/1/96. Statutory
Authority: RCW 19.146.225, 95-13-091, § 50-60-060, filed 6/21/95, effective 7/22/95; 94-23-033, § 50-60-060, filed
11/8/94, effective 12/9/94. Statutory Authority: 1993 c 468 § 9, 94-03-009, § 50-60-060, filed 1/7/94, effective 2/7/94.]

WAC 208-660-061 Fee increase.

The division intends to increase its fee and assessment rates each year for several bienniums. The division intends to
initiate a rule making for this purpose each biennium. This rule provides for an automatic annual increase in the rate of fees
and assessments each fiscal year during the 2001-03 biennium.

(1) On July 1, 2002, the fee and assessment rates under WAC 208-660-060, as increased in the prior fiscal year, will
increase by a percentage rate equal to the fiscal growth factor for the then current fiscal year. As used in this section, "fiscal
growth factor" has the same meaning as the term is defined in RCW 43.135.025.

(2) The director may round off a rate increase under subsection (1) of this section. However, no rate increase may exceed the applicable fiscal growth factor.

(3) By June 1 of each year, the director will make available a chart of the new rates that will take effect on the immediately following July 1.

[Statutory Authority: RCW 18.44.410, 19.146.223, 19.146.225, 19.146.265, 31.04.165, 31.45.200. 01-12-029, § 208-660-061, filed 5/29/01, effective 7/1/01.]

WAC 208-660-080 Surety bond and approved alternatives -- General requirements.

(1) Each applicant for a license and licensee must file and maintain on file with the director:

(a) A surety bond in the required amount and related power of attorney issued by a bonding company or insurance company authorized to do business in this state; or

(b) An approved alternative to a surety bond in the required amount in accordance with WAC 208-660-08010.

The required amount of the surety bond or approved alternative ranges from twenty thousand dollars to sixty thousand dollars and is based on the applicant's or licensee's monthly average number of loan originators calculated in accordance with subsection (2) of this section. The surety bond or approved alternative is subject to claims in accordance with RCW 19.146.205 and 19.146.240. Borrowers shall be given priority over the state and other persons who file claims against the bond or approved alternative. The state and other persons shall not receive distributions from the remainder of the bond or approved alternative pursuant to valid claims prior to one hundred eighty days following the date a claim is made against the bond.

...
[Statutory Authority: RCW 43.320.010, 19.146.223. 01-01-044, § 208-660-080, filed 12/8/00, effective 1/8/01; 96-04-028, recodified as § 208-660-080, filed 2/1/96, effective 4/1/96. Statutory Authority: RCW 19.146.225. 95-13-091, § 50-60-080, filed 6/21/95, effective 7/22/95; 94-23-033, § 50-60-080, filed 11/8/94, effective 12/9/94. Statutory Authority: 1993 c 468 § 9. 94-03-009, § 50-60-080, filed 1/7/94, effective 2/7/94.]

WAC 208-660-140 General recordkeeping requirements.

(1) Each mortgage broker shall retain its books and records for a minimum of twenty-five months after the effective period to which the books and records relate.

However, books and records relating to a specific loan application must be maintained for a minimum of twenty-five months after a loan application is received. These books and records must be retained in all cases where a loan application has been received, any deposits or fees associated with a mortgage application have been accepted, or any written agreement has been executed.

(2) All books and records must be kept in a location in this state that is readily accessible to the department. However, a mortgage broker may store its books and records outside the state with the prior approval of the director, and after executing a written agreement with the director:

(a) To provide access to its books and records to investigate complaints against the mortgage broker; and

(b) To pay the department's travel, lodging and per diem expenses incurred in travel to examine books and records stored out-of-state.

(3) Books and records include without limitation: The original contracts for the broker's compensation, an accounting of all funds received in connection with loans, a copy of the settlement statements as provided to borrowers, a record of any fees refunded to applicants for loans that did not close, copies of the good faith estimates and all other written disclosures, and all other correspondence, papers or records relating to loan applications.

[Statutory Authority: RCW 43.320.010, 19.146.223. 01-01-044, § 208-660-140, filed 12/8/00, effective 1/8/01; 96-04-028, recodified as § 208-660-140, filed 2/1/96, effective 4/1/96. Statutory Authority: RCW 19.146.225. 95-13-091, § 50-60-140, filed 6/21/95, effective 7/22/95. Statutory Authority: 1993 c 468 § 9. 94-03-009, § 50-60-140, filed 1/7/94, effective 2/7/94.]

WAC 208-660-150 Disclosure of significant developments.

(1) A licensee must notify the director in writing within thirty days after the occurrence of any of the following developments:

- (a) Licensee's filing for bankruptcy or reorganization.
- (b) Receipt of notification of license revocation procedures in any state against the licensee.
- (c) The filing of a felony indictment or information related to mortgage brokering activities of the licensee, or any officer, director, principal, or designated broker of the licensee.
- (d) The licensee, or any officer, director, principal, or designated broker of the licensee being convicted of a felony.
- (e) Receipt of notification of cancellation of the licensee's surety bond or approved alternative, or any significant decline in value of an approved alternative held by the director.
- (f) The filing of any material litigation against the licensee.

(2) A licensee must notify the director in writing ten days prior to a change of the location of the licensee's principal place of business or any of its branch offices.

(3) A licensee must notify the director in writing within five days after a change in the licensee's:

- (a) Name or legal status (e.g., from sole proprietor to corporation, etc.);
- (b) Mailing address or telephone number;
- (c) President, partner, designated broker, or branch office manager;
- (d) Trust account (e.g., change in the status, location, or account number);
- (e) State master business license; or
- (f) Standing with the state of Washington secretary of state.

[96-04-028, recodified as § 208-660-150, filed 2/1/96, effective 4/1/96. Statutory Authority: RCW 19.146.225. 95-13-091, § 50-60-150, filed 6/21/95, effective 7/22/95. Statutory Authority: 1993 c 468 § 9. 94-03-009, § 50-60-150, filed 1/7/94, effective 2/7/94.]

WAC 208-660-160 License application denial or condition; license suspension or revocation.

The director may deny or condition approval of a license application, or suspend or revoke a license if the applicant or licensee, or any principal or designated broker of the applicant or licensee:

- (1) Has failed to pay a fee due to the state in accordance with the Mortgage Broker Practices Act;
- (2) Has not filed the required surety bond or approved alternative or otherwise complied with RCW 19.146.205;
- (3) Has had any license, or any authorization to do business under any similar statute of this or any other state, suspended, revoked, or restricted within the prior five years;
- (4) Has within the prior seven years been convicted of a felony, or a gross misdemeanor involving dishonesty or financial misconduct;
- (5) Has failed to demonstrate financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly, fairly, and efficiently within the purposes of the Mortgage Broker Practices Act. The director may find that the person has failed to make the demonstration if, among other things:
 - (a) The person is or has been subject to an injunction issued pursuant to the Mortgage Broker Practices Act or the Consumer Protection Act; or
 - (b) An independent credit report issued by a recognized credit reporting agency indicates that the person has a substantial history of unpaid debts;
- (6) Has omitted, misrepresented, or concealed material facts in obtaining a license or in obtaining reinstatement thereof;
- (7) Has violated the provisions of the Mortgage Broker Practices Act, or the Consumer Protection Act;
- (8) Has had its surety bond, approved alternative, or equivalent form of business insurance, canceled or revoked for cause;
- (9) Has allowed the licensed mortgage broker business to deteriorate into a condition which would result in denial of a new application for a license;
- (10) Has aided or abetted an unlicensed person to practice in violation of the Mortgage Broker Practices Act;
- (11) Has demonstrated incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed;
- (12) Is insolvent in the sense that the value of the applicant's or licensee's liabilities exceed its assets or in the sense that the applicant or licensee cannot meet its obligations as they mature;

- (13) Has failed to comply with an order, directive, or requirement of the director, or his or her designee, or with an assurance of discontinuance entered into with the director, or his or her designee;
- (14) Has performed an act of misrepresentation or fraud in any aspect of the conduct of the mortgage broker business or profession;
- (15) Has failed to cooperate with the director, or his or her designee, including without limitation by:
- (a) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary actions or denial, suspension, or revocation of a license; or
- (b) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation into a complaint against the licensee filed with the department, or providing a full and complete written explanation of the circumstances of the complaint upon request by the director;
- (16) Has interfered with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's designee, or by the use of threats or harassment against a client, witness, employee of the licensee, or representative of the director for the purpose of preventing them from discovering evidence for, or providing evidence in, any disciplinary proceeding or other legal action;
- (17) Has failed to provide a required certificate of passing an approved examination;
- (18) Has failed to provide a required certificate of satisfactory completion of an approved licensing course or, in the alternative, satisfactory proof of two years' experience in accordance with WAC 208-660-040; or
- (19) Has failed to provide a required certificate of satisfactory completion of an approved continuing education course.

[Statutory Authority: RCW 43.320.010, 19.146.223. 01-01-044, § 208-660-160, filed 12/8/00, effective 1/8/01; 96-04-028, recodified as § 208-660-160, filed 2/1/96, effective 4/1/96. Statutory Authority: RCW 19.146.225. 95-13-091, § 50-60-160, filed 6/21/95, effective 7/22/95. Statutory Authority: 1993 c 468 § 9. 94-03-009, § 50-60-160, filed 1/7/94, effective 2/7/94.]

WAC 208-660-165 Fines and penalties for violation of the Mortgage Broker Practices Act.

Each mortgage broker and each of its principals, designated brokers, officers, employees, independent contractors, and agents shall comply with the applicable provisions of the Mortgage Broker Practices Act. Each violation of any applicable provision of the Mortgage Broker Practices Act, or of any order, directive, or requirement of the director may, at the discretion of the director, subject the violator to a fine of up to one hundred dollars for each offense. Each day's continuance of the violation is a separate and distinct offense. In addition, the director in his or her discretion may by order assess other penalties for a violation of the Mortgage Broker Practices Act.

[96-04-028, recodified as § 208-660-165, filed 2/1/96, effective 4/1/96. Statutory Authority: RCW 19.146.225. 95-13-091, § 50-60-165, filed 6/21/95, effective 7/22/95; 94-23-033, § 50-60-165, filed 11/8/94, effective 12/9/94.]